

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

In re NATIONAL PRESCRIPTION OPIATE LITIGATION) MDL No. 2804
This Document Relates To:) No. 1:17-md-2804
)
Cleveland Bakers and Teamsters)
Health and Welfare Fund and Pipe)
Fitters Local Union No. 120 Insurance)
Fund v. Purdue Pharma L.P., et al.,)
No. 1:18-op-45432 (N.D. Ohio))
)

UNOPPOSED MOTION TO DISMISS CVS HEALTH CORPORATION AND ADD
CVS INDIANA, L.L.C., CVS RX SERVICES, INC., CVS TN DISTRIBUTION, LLC AND
CVS PHARMACY INC. AS DEFENDANTS

Pursuant to Federal Rule of Civil Procedure (“Rule”) 21, Plaintiffs in the above-captioned case hereby move to dismiss Defendant CVS Health Corporation (“CVS Health”) from the case without prejudice and to add CVS Indiana, L.L.C. (“CVS Indiana”), CVS Rx Services, Inc. (“CVS Rx Services”), CVS TN Distribution, LLC and CVS Pharmacy Inc. (“CVS Pharmacy”) as Defendants in this case. CVS Health does not oppose the motion.

On July 23, 2018, CVS Health moved to dismiss the complaint in the above-captioned case for lack of personal jurisdiction under Rule 12(b)(2). If this motion pursuant to Rule 21 to dismiss CVS Health is granted, the motion to dismiss for lack of personal jurisdiction will be moot. *Cleveland Bakers and Teamsters Health and Welfare Fund, et al. v. Purdue Pharma L.P., et al.*, No. 1:18-op-45432-DAP, ECF No. 11 (N.D. Ohio July 23, 2018); *In re Nat'l Prescription Opiate Litig.*, No. 1:17-md-02804-DAP, ECF No. 771 (N.D. Ohio July 23, 2018).

This motion and the addition of CVS Indiana, CVS Rx Services, CVS TN Distribution, LLC and CVS Pharmacy to this case is without prejudice to any defenses, counterclaims, cross-claims, arguments, or other legal positions available to CVS Indiana, CVS Rx Services, CVS TN Distribution, LLC and CVS Pharmacy as Defendants in the case.

DATED: December 9, 2019

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of December, 2019, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF System. Copies will be served upon counsel of record by, and may be obtained through, the Court CM/ECF Systems.

s/ Aelish M. Baig

AELISH M. BAIG
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